

HOUSE BILL No. 1231

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-22-2-8; IC 35-43-2-2.

Synopsis: Hunting and property management. Requires the director of the department of natural resources to establish a deer hunting season in which certain rifles may be used. Authorizes the use of purple marks to post real property against trespassers.

Effective: Upon passage; July 1, 2016.

Arnold L

January 11, 2016, read first time and referred to Committee on Natural Resources.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1231

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-22-2-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 8. (a) Before July 1, 2016, the director shall**
4 **adopt rules under section 6 of this chapter, including emergency**
5 **rules adopted in the manner provided under IC 4-22-2-37.1, to**
6 **establish a deer hunting season during which hunters may use**
7 **rifles on privately owned land subject to the following:**

8 (1) The rifle must have a barrel length of at least sixteen (16)
9 inches.

10 (2) The rifle must fire a cartridge that meets the following
11 specifications:

12 (A) The cartridge must fire a bullet of two hundred
13 forty-three thousandths (.243) of an inch in diameter or
14 larger.

15 (B) The cartridge must have a minimum case length of one
16 and sixteen-hundredths (1.16) inches.

17 (3) The rifle must meet any other requirements established by



1 **the department. However, the department may not establish**
2 **any other requirements pertaining to ammunition that may be**
3 **used during the season established under this section,**
4 **including requirements concerning a minimum or maximum**
5 **cartridge length for ammunition.**

6 **(b) The use of a full metal jacketed bullet to hunt deer is**
7 **unlawful.**

8 SECTION 2. IC 35-43-2-2, AS AMENDED BY P.L.21-2014,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2016]: Sec. 2. (a) As used in this section, "authorized person"
11 means a person authorized by an agricultural operation to act on behalf
12 of the agricultural operation.

13 (b) A person who:

14 (1) not having a contractual interest in the property, knowingly or
15 intentionally enters the real property of another person after
16 having been denied entry by the other person or that person's
17 agent;

18 (2) not having a contractual interest in the property, knowingly or
19 intentionally refuses to leave the real property of another person
20 after having been asked to leave by the other person or that
21 person's agent;

22 (3) accompanies another person in a vehicle, with knowledge that
23 the other person knowingly or intentionally is exerting
24 unauthorized control over the vehicle;

25 (4) knowingly or intentionally interferes with the possession or
26 use of the property of another person without the person's consent;

27 (5) not having a contractual interest in the property, knowingly or
28 intentionally enters the:

29 (A) property of an agricultural operation that is used for the
30 production, processing, propagation, packaging, cultivation,
31 harvesting, care, management, or storage of an animal, plant,
32 or other agricultural product, including any pasturage or land
33 used for timber management, without the consent of the owner
34 of the agricultural operation or an authorized person; or

35 (B) dwelling of another person without the person's consent;

36 (6) knowingly or intentionally:

37 (A) travels by train without lawful authority or the railroad
38 carrier's consent; and

39 (B) rides on the outside of a train or inside a passenger car,
40 locomotive, or freight car, including a boxcar, flatbed, or
41 container without lawful authority or the railroad carrier's
42 consent;



(7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is vacant or designated by a municipality or county enforcement authority to be abandoned property or an abandoned structure (as defined in IC 36-7-36-1);

(8) not having a contractual interest in the property, knowingly or intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

(A) the owner of or a person having a contractual interest in the agricultural operation;

(B) the operator of the agricultural operation; or

(C) a person having personal property located on the property of the agricultural operation; or

(9) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits criminal trespass, a Class A misdemeanor. However, the offense is a Level 6 felony if it is committed on a scientific research facility, on a key facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000). The offense is a Level 5 felony, for purposes of subdivision (8), if the property damage is at least fifty thousand dollars (\$50,000).

(c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:

(1) personal communication, oral or written;

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public; or



(3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or

(4) posting the property by placing identifying purple marks on trees or posts around the area where entry is denied. Each purple mark must be readily visible to any person approaching the property and must be placed as follows:

(A) on a tree as a vertical line of at least eight (8) inches in length and with the bottom of the mark at least three (3) feet and not more than five (5) feet from the ground, and not more than one hundred (100) feet from the nearest marked tree; or

(B) on a post with the mark covering at least the top two (2) inches of the post, and with the bottom of the mark at least three (3) feet and not more than five (5) feet six (6) inches from the ground. Marked posts must be placed not more than thirty-six (36) feet apart.

Before applying a mark visible from both sides of a fence shared by different property owners or lessees, all owners or lessees must agree to post the properties under this subdivision.

(d) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(e) A person described in subsection (b)(7) violates subsection (b)(7) unless the person has the written permission of the owner, owner's agent, enforcement authority, or court to come onto the property for purposes of performing maintenance, repair, or demolition.

(f) A person described in subsection (b)(9) violates subsection (b)(9) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(g) Subsections (b), (c), and (f) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:



- 1 (A) as a passenger; or
- 2 (B) for the purpose of transacting lawful business.
- 3 (6) A:
- 4 (A) person; or
- 5 (B) person's:
- 6 (i) family member;
- 7 (ii) invitee;
- 8 (iii) employee;
- 9 (iv) agent; or
- 10 (v) independent contractor;
- 11 going on a railroad's right-of-way for the purpose of crossing at a
- 12 private crossing site approved by the railroad carrier to obtain
- 13 access to land that the person owns, leases, or operates.
- 14 (7) A person having written permission from the railroad carrier
- 15 to go on specified railroad property.
- 16 (8) A representative of the Indiana department of transportation
- 17 while engaged in the performance of official duties.
- 18 (9) A representative of the federal Railroad Administration while
- 19 engaged in the performance of official duties.
- 20 (10) A representative of the National Transportation Safety Board
- 21 while engaged in the performance of official duties.
- 22 **SECTION 3. An emergency is declared for this act.**

